

**REMARKS**

Claims 1-17 are pending in this application. By this Amendment, claims 1, 10 and 11 are amended. No new matter is added.

As admitted, Carrese fails to teach at least "a plurality of channels to communicate at least the air from the ventilation port between the interior region and the second container, wherein each of the plurality of channels provides a different path capable of channeling air from the ventilation port to the second container." Instead, it suffers the problem that when the overflow region receives ink, such as from a tipping of the cartridge, it is possible that proper venting will be prevented.

Hattori fails to overcome the deficiencies of Carrese with respect to these claims. Although the Advisory Action clarifies that the Office Action relies on element 15 of Hattori for a ventilation port and pipes 14 in Fig. 17A as corresponding to the plurality of channels, Applicants still maintain that this assertion is factually flawed and inconsistent with teachings of Hattori. Thus, Applicants respectfully assert that a *prima facie* case of obviousness has not been made.

However, in order to better clarify these distinctions, independent claim 1 is amended to recite, *inter alia*, a first container (116) evacuated to negative gauge pressure, a second container (112) having a capillary medium (111), a passage (118) between the first and second containers communicating the fluid at a level where the passage is wetted with fluid, a ventilation port (122) to communicate ambient air between an interior region in the fluid ejection system and ambient, at least one spill over region (190, 192, 194, 196) to communicate the fluid with the second container, and a plurality of channels (137, 138) to freely communicate the ambient air from the ventilation port between the interior region and the second container, wherein each channel provides a different path that channels ambient air from the ventilation port to the second container so that at least one of the plurality of

channels remains in an unwetted condition to maintain air communication between the second container and ambient (emphasis added).

Method claim 11 recites a method of ventilating air using such structure. Independent claim 10 similarly recites a vent port, at least one spill over region, and a plurality of channels to freely communicate ambient air from the vent port to the second container, and the volume of the spill over region is sufficient to prevent the fluid from wetting all of the channels.

That is, the claimed plurality of channels are provided to freely communicate ambient air between the outside and the second container, which has the capillary and is not the container that is under negative pressure. Moreover, the plurality of channels maintain at least one of the channels in an unwetted condition to maintain the communication with ambient. Thus, even if a spill causes some of the liquid to escape from the second container, it is trapped by the spill over region or trapped in only one of the channels so that there remains an air path for communication with ambient.

As pointed out previously, the vent port in Hattori is port 15 located at the top left of chamber 10 (Fig. 18) that communicates with external air. However, this is provided in and communicates directly with chamber 10. Thus, such a vent port is entirely different than claimed and would not face problems with blockage in spill over regions since this specific design allows for spillage by the direct connection of vent 15 with chamber 10. That is, Hattori has no spill over region and no plurality of channels communicating ambient air between the second container and the vent port.

With respect to alleged pipe 14, at best, alleged pipe 14 (which is two pipes in Figs. 17A-B) corresponds to Applicants' wetted passage or Carrese's passage (132, 232), which transfer wetted liquid between the two containers. Thus, even though two passages are taught in Fig. 17, these passages are for an entirely different purpose than the claimed structure and are not for the purpose of venting atmospheric air through multiple passages. This is because

Hattori provides the passages below the liquid level so that they are permanently wetted passages. Thus, although they pass fluid between two chambers, they are isolated from and incapable of communicating ambient air to the second container. To the extent that an occasional inadvertent air bubble is provided in pipes 14, even Hattori cannot identify where the bubbles come from or why they would accumulate (C26/L41-46).

Thus, the pipes in Hattori are not ambient air passageways and are for an entirely different purpose. Moreover, Hattori teaches away from the claim features by specifying that the passageway is wetted (full of liquid). Because Hattori's pipes cannot possibly convey ambient air, and because Hattori fails to appreciate problems with blockage of ambient air, there is no motivation for the alleged combination. Moreover, even if combined, the combination would teach away from the subject matter of independent claims 1, 10, or 11. The only possible source of motivation is impermissible hindsight consideration of Applicants' specification.

Additionally, when read "as a whole," Hattori teaches against combination with Carrese or is completely incompatible with Carrese. This is because Hattori fails to provide a spill over region or a small tortuous air communication channel as in Carrese. Thus, the air channel structure of Hattori is incompatible with Carrese. Rather, contrary to the objective of preventing spillage of ink, Hattori provides a direct connection of the second chamber 10 to ambient by providing air port 15 directly on a top wall of the second chamber 10. This completely eliminates the tortuous path of Carrese and allows leaks of fluid, but arguably would prevent any blockage of venting air because no overflow passage that could trap ink within the air path is provided. Thus, the two vent and path structures cannot be combined or modified without destroying the intended purpose of either reference.

Accordingly, independent claims 1, 10 and 11 and claims dependent therefrom define over Carrese, even if combined with Hattori. Dependent claims 2-9 and 12-17 are allowable for their dependence on allowable base claims and for the additional features recited therein. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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